

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 RICKIE L. BURDO,

4 Plaintiff

5 v.

6 NANCY A. BERRYHILL,

7 Defendant

Case No.: 2:17-cv-02203-APG-VCF

**Order Accepting Report and
Recommendation, Denying Motion to
Remand, and Granting Motion to Affirm**

[ECF Nos. 14, 17, 20]

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9 On December 13, 2018, Magistrate Judge Ferenbach recommended that I deny plaintiff
10 Rickie Burdo's motion for reversal or remand and grant the defendant's motion to affirm. ECF
11 No. 20. Burdo did not file an objection. Thus, I am not obligated to conduct a de novo review of
12 the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de
13 novo determination of those portions of the report or specified proposed findings to which
14 objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
15 banc) ("the district judge must review the magistrate judge's findings and recommendations de
16 novo *if objection is made*, but not otherwise" (emphasis in original)).

17 IT IS THEREFORE ORDERED that Magistrate Judge Ferenbach's report and
18 recommendation (**ECF No. 20**) is **accepted**, plaintiff Rickie Burdo's motion for reversal or
19 remand (**ECF No. 14**) is **DENIED**, and defendant's motion to affirm (**ECF No. 17**) is
20 **GRANTED**. The clerk of court is instructed to enter judgment in favor of the defendant and
21 against the plaintiff.

22 DATED this 3rd day of January, 2019.

23

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE